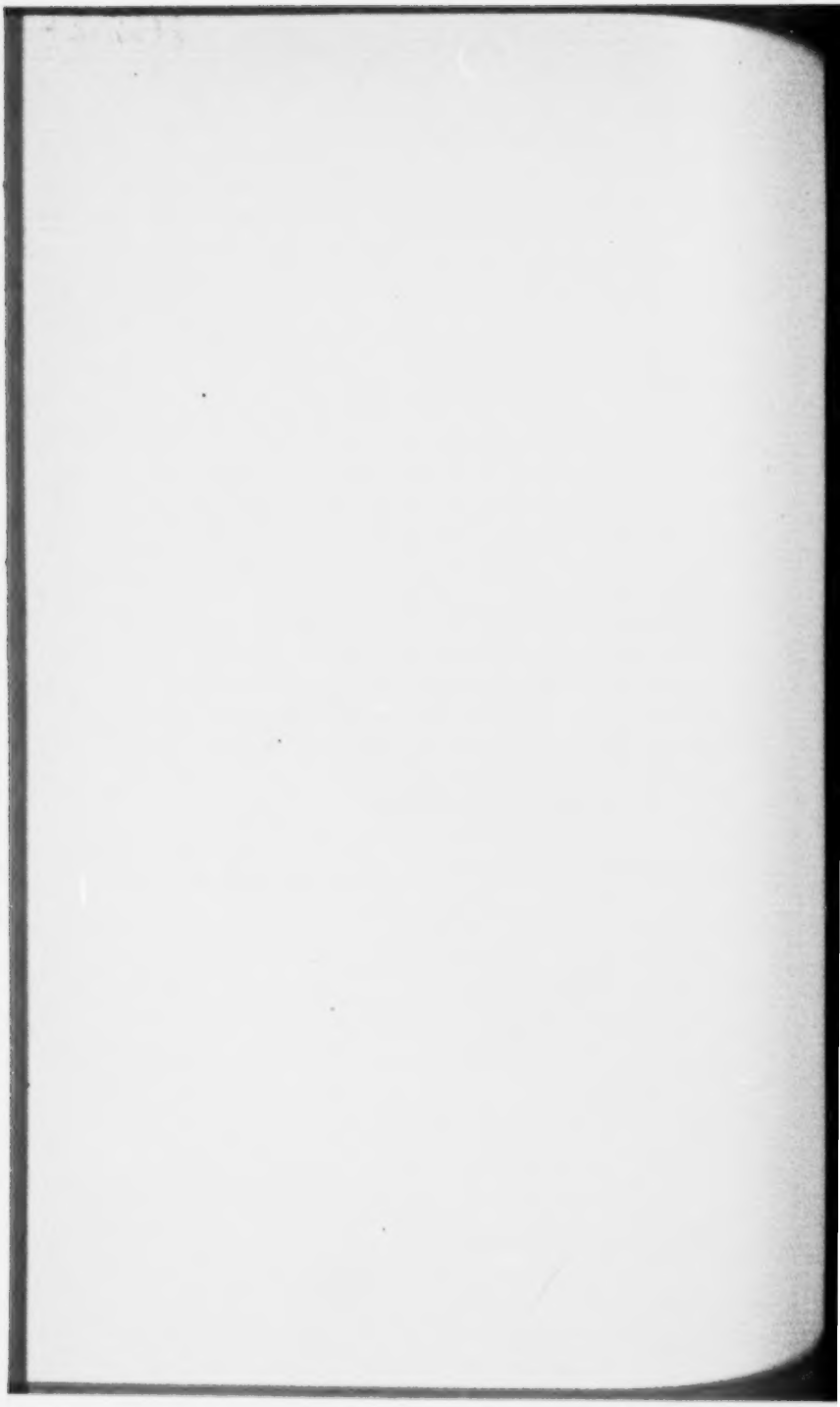

16748

FILE COPY.

Office Supreme Court U.S.
FILED
DEC 19 1902
JAMES H. McKENNEY,
Clerk.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1902.

No. 145.

GUSTAVUS LEACH, ET AL., PLAINTIFFS IN ERROR,

vs.

CHARLES R. BURR, EXECUTOR, ET AL., DEFENDANTS IN ERROR.

Brief in Opposition to Motion to Add Parties.

J. J. DARLINGTON,
Attorney for Defendants in Error.

LAW REPORTER PRINT, WASHINGTON, D. C.

16749

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1902.

No. 145.

GUSTAVUS LEACH, ET AL., PLAINTIFFS IN ERROR,

vs.

CHARLES R. BURR, EXECUTOR, ET AL., DEFENDANTS IN ERROR.

Brief in Opposition to Motion to Add Parties.

This motion was made and submitted to the court without notice to the defendants in error.

Its only conceivable purposes are annoyance and delay, it being elementary that grantees of the devisee under a contested will, as in all other cases of conveyances *pendente lite*, take subject to the suit, and are not necessary parties.

The authorities cited are not in conflict with this rule. The withholding of the motion until the cause was on the call for hearing in this court is an additional reason why it should be dismissed.

Respectfully submitted.

J. J. DARLINGTON,
Attorney for Defendants in Error.